

★ APR 05 2011 ★

BROOKLYN OFFICE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
MEDMARC CASUALTY INSURANCE
COMPANY, et al,

Plaintiffs,

- against -

JEROME D. MITCHELL, P.A., et al,
Defendants.
-----X

**REPORT AND
RECOMMENDATION**

10-MC-0535 (JBW) (JO)

JAMES ORENSTEIN, Magistrate Judge:

For the reasons stated orally on the record at a conference on September 21, 2010, I respectfully recommend that the court grant AFPD's motion, including both its request to quash the subpoena and its request for the reimbursement of attorneys' fees pursuant to Fed. R. Civ. P. 45(c)(1), and that the court deny the motion to compel. Any objections to this report and recommendation must be filed no later than October 5, 2010. Failure to file objections within this period designating the particular issues to be reviewed waives the right to appeal the court's order. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P. C.*, 596 F.3d 84, 92 (2d Cir. 2010).

SO ORDERED.

Dated: Brooklyn, New York
September 21, 2010

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge

*No objection having been filed,
the above recommendation is so
ordered*

[Signature]
4/4/11

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